

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JAMES BLUE,

Plaintiff,

v.

**JO ANNE B. BARNHART,
Commissioner of Social Security,**

Defendant.

1:05CV00421

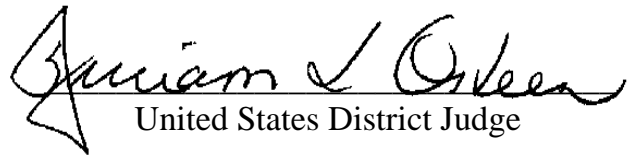
O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on July 19, 2006, was served on the parties in this action. Counsel for Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Plaintiff's motion for judgment on the pleadings [Pleading No. 6] be **DENIED**, that the Commissioner's motion for judgment on the pleadings [Pleading No. 8] be **GRANTED**, that the Commissioner's decision be

AFFIRMED, and that this action be dismissed with prejudice. A judgment dismissing this action will be entered contemporaneously with this Order.


United States District Judge

Date: September 29, 2006